

Appropriations and Finance Committee  
LTBB Governmental Administration Building  
Tribal Council Chambers  
7500 Odawa Circle, Harbor Springs, MI 49740  
Regular Meeting  
June 12, 2018

Call to Order: **1:11 p.m.**

Committee Member Roll Call: Committee Member Dexter McNamara, Committee Member Shanna Wemigwase, Committee Chair Marcella R. Reyes

Absent: none

Tribal Councilors present: Councilor Julie Shananaquet, Secretary Tamara Kiogima

Legislative Staff: Legislative Services Attorney Donna Budnick, Sr Financial Analyst Rachel Cope, Legislative Administrative Assistant Linda Gokee

Executive Staff/Official Present: Vice-Chairperson Stella Kay, Chief Financial Officer Carrie Carlson, Direct Services Administrator Phil Harmon, Grant Writer Amber Holt, Planning Director Amanda Swiss, Health Director Jody Werner, Language Department Director Carla Osawamick, Elders Department Director Mary Roberts

Judicial Staff/Official Present: Tribal Court Administrator Michael Wolf

Public: Tribal Citizens Vicki Lynn, Gia Wemigwase, Andrew Stitch,

Invited Guests: none

Closed Session: no

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**Agenda:**

Motion made by Councilor McNamara and supported by Councilor Wemigwase to adopt the Agenda of June 12, 2018 as presented.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried.

**Motion** made by Councilor Wemigwase and supported by Councilor McNamara to approve the minutes of April 3, 2018 as corrected.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried.

**Motion** made by Councilor Wemigwase and supported by Councilor McNamara to approve the minutes of April 4, 2018 as presented.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried.

**Motion** made by Councilor McNamara and supported by Councilor Wemigwase to approve the minutes of April 6, 2018 as corrected.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried.

**Motion** made by Councilor McNamara and supported by Councilor Wemigwase to approve the minutes of April 10, 2018 as presented.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried.

**Motion** made by Councilor Wemigwase and supported by Councilor McNamara to approve the minutes of April 12, 2018 as presented.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried.

#### Phone Polls:

*-05-15-18 Motion to recommend Tribal Council to approve Certified Motion #051718-07 Request for Funding from the U.S. Department of Justice, Adult Drug Court Discretionary Grant Program FY 2018, White Feather Adult Drug Court Enhancements.*

Vote: 1 -yes, 2 -no (Councilor Wemigwase, Treasurer Reyes), 0 -abstain, 0 -absent

Motion fails.

**(NOTE: I will be adding this phone poll results under AFC report and in parenthesis "Motion for consideration to approve")**

*-06/04/10 Motion to recommend to Tribal Council to approve Certified Motion #060718-01 Request for funds as a sub-grantee from the Inter-Tribal Council of Michigan Administration for Children and Families (ACF), Little Traverse Bay Bands of Odawa Indians Tribal Home Visiting Grant Program.*

Committee Comments: none

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried.

*-06/04/10 Motion to recommend to Tribal Council to approve Certified Motion #060718-02 Request for Funding from the United States Department of Justice (DOJ), Office of Justice Programs (OJP), Office of Juvenile Justice and Delinquency Prevention (OJJDP) Drug Treatment Court Program FY 2018, Family Healing to Wellness Program.*

Vote: 2 -yes, 1 -no (Councilor Wemigwase), 0 -abstain, 0 -absent

Committee Comments:

Dexter McNamara: I'm struggling with this. I think this is a good program, however I am concerned of the usage as opposed to the funds.

Shanna Wemigwase: My vote is no. This grant is using additional general fund dollars. I would like to hear more from this branch to justify this spending.

Marcella R. Reyes: none

Motion carried.

#### New Business:

##### Discussion: FY 2019 Title IV-B Continuation Funding

- Funds would enhance existing services for child welfare (subpart 1) and families who utilize Direct Client Services (subpart 2) within the Human Services Department
- Counts Tribal youth ages 0-20 residing within the USA
- Funding award amount will be less than last year
- Daily living supplies i.e. laundry soap, shampoo, toothbrushes, etc.

**Motion** made by Councilor McNamara and supported by Councilor Wemigwase to recommend to Tribal Council to approve Certified Motion # 062818-01 Request for Funding from the Administration for Children and Families, Title IV-B of the Social Security Act, FY 2019 Title IV-B Continuation Funding.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent  
Motion carried.

**Discussion: Planning, Zoning and Building Department of use carryover funds.**

- Former Planning Director did not bring forth Tribal Resolution
- Carryover funds would be utilized to pay inspectors as they must use Planning and Zoning budget of \$5,000 which has been exhausted.
- Revenues will not exceed costs

**Motion** made by Councilor McNamara and supported by Councilor Wemigwase to recommend to Tribal Council to adopt Tribal Resolution Authorizing the Planning, Zoning and Building Department to Carryover Funds.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent  
Motion carried.

**Discussion: Fiber Optic at Wah Wahs No Da Ke**

- MIS Director will request supplemental funding at a later date when more cost related details are available
- **No Action Taken** by Appropriations and Finance Committee

**2:18 p.m.** Break

**2:39 p.m.** Meeting resumes

**Discussion: Health Park generator**

- Initiated by Councilor McNamara who presented preliminary bids to the Executive
- Good idea to have a back-up system
- Both the Executive Chief Financial Officer Carrie Carlson and Legislative Sr Financial Analyst Rachel Cope agree using Health's 3<sup>rd</sup> Party Revenue versus Supplemental General Funds
- The Executive needs to rewrite the Tribal Resolution to state 3<sup>rd</sup> Party Funding is to be used and include a cap to not exceed \$90,000. Appropriations and Finance Committee will then conduct a phone poll prior to the next Tribal Council Meeting on June 27, 2018.
- **No Action Taken** by Appropriations and Finance Committee

**Discussion: Anishinaabemowin Fluent Speaker**

- Anishinaabemowin is a complex language
- The Gijigowi staff is competent with beginner to intermediate level language, however, they are not fluent speakers
- MaryAnn Endanawas is a First Speaker which means Anishinaabemowin is her first language and English is her second language
- The First Speaker language instructor assists, mentors, and reviews the Gijigowi staff's language, language structure, grammar, and reviews the development of curriculum materials
- The department has seen an increase in language translations for other departments and within the Tribal community for requests for names and tattoos

- The Executive needs to rewrite the Tribal Resolution stating...for the purpose of retaining a fluent Anishinaabemowin speaker ...

Vote **on hold** until the Executive rewrites the Tribal Resolution.

**Discussion: Elder's Food and Utility**

- The process for Food and Utilities application is streamlined and more Tribal Elder's are applying for the allowance
- The department sends out a Welcome Letter to newly turned age 55 Elders notifying them of what they are eligible for.
- \$410,000 has been appropriated for the Food and Utilities Allowance
- 788 applications have been received totaling \$315,200 being paid out
- Could potentially expect 636 more applications
- There are currently 1424 living Tribal Elder's 55 and over

**Motion** made by Councilor McNamara and supported by Councilor Wemigwase to recommend to Tribal Council to adopt Tribal Resolution Supplemental Funding in the Amount of \$149,600.00 for the purpose of Food and Utility Allowance.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent  
Motion carried.

**Discussion: Odawa Construction Administration Holding Company**

- Operating agreement

**Motion** made by Councilor McNamara and supported by Councilor Wemigwase to recommend to Tribal Council to adopt Tribal Resolution Appropriation of Funds for the Odawa Construction Administration Holding Corporation (OCAHC) in the amount of \$102,500.00.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent  
Motion carried.

**3:59 p.m.** Break

**4:21 p.m.** Meeting resumes

**Discussion:** Michigan Indian Legal Services (MILS) program that would provide legal services for sexual harassment and discrimination cases and what the committee would find to be a reasonable amount for a retainer for this program.

- MILS has no jurisdiction over a Tribe
- They would provide consultations with employees up until litigation and then refer to an attorney who will represent the client

**4:25 p.m.** Councilor Wemigwase returns

- Of 100 calls received by MILS, 10% will be viable cases
- Money would be put into an Enjinaaknegeng account and the Legislative Department would receive billable hours with no names due to attorney-client confidentiality
- This would be available to all employees and is not income based
- General Counsel Jim Bransky to draw up Memorandum of Understanding between Little Traverse Bay Bands of Odawa Indians and Michigan Indian Legal Services

**Motion** made by Councilor Wemigwase and supported by Councilor McNamara to recommend to Tribal Council to adopt Tribal Resolution Appropriation of Funds to Enjinaaknegeng (Legal) Department for Legal Services provided by Michigan Indian Legal Services in the amount of \$25,000.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried.

**Motion** made by Councilor McNamara and supported Councilor Wemigwase by to recommend to Tribal Council to adopt Tribal Resolution Supplemental Funding in the Amount of \$50,000 for the purpose of retaining an Anishinaabemowin Fluent Speaker.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried.

**Discussion: Health Park generator**

- The Executive does not want to rewrite the Tribal Resolution on the Health Park Generator for costs to come out of 3<sup>rd</sup> Party Revenue

**Motion** made by Councilor McNamara and supported by Councilor Wemigwase to **table** Tribal Council's recommendation to adopt Tribal Resolution Supplemental Funding in the Amount of \$83,000 for the purpose of a Generator purchase for the Little Traverse Bay Bands of Odawa Indians Health Clinic.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried.

**Discussion: 2019 Budget: Executive Veto, and Executive proposed Resolution for Appropriation of funds for the 2019 Fiscal Year Operating Budgets.**

- The Executives proposed Tribal Resolution for the 2019 Fiscal Year Operating Budget reverts it back to their (Executive's) original proposal.
- Options of Overriding the Executive's Veto, Enacting the Executive's proposed Tribal Resolution for the 2019 Fiscal Year Operating Budget as presented (Tribal Council can not make any changes, additions or deletions to the proposed budget), or if no action is taken within the 90-day time period to override the veto/accept the Chair's proposed budget, the last enacted budget will take effect the beginning of the fiscal year which would be the 2018 Emergency Budget Reduction. Both the Legislative Sr Financial Analyst Rachel Cope and the Executives Chief Financial Officer Carrie Carlson agree the latter is not a good idea because the indirect cost rates are much better for 2019 versus 2018.
- The Odawa Casino Resort financials are behind/down \$600,000 YTD from this time last year.
- The Odawa Casino Resort Petoskey and Mackinaw plan their budget projections around July and August, their peak summer season. The Appropriations and Finance Committee (AFC) will hold off making a recommendation to Tribal Council pending the Odawa Casino Resorts summer financials. Tribal Council has 90 days to act on the 2019 Fiscal Year Operating Budget Executive Veto received on June 6, 2018. Tribal Council must take action by September 4, 2018. The Appropriations and Finance Committee (AFC) have two (2) AFC meetings, July 17 and August 14, prior to making a recommendation to Tribal Council which will meet on August 23, 2018.

**5:38 p.m. Public Comment Opens**

Tribal Citizen Andrew Stitch commented on the following:

- The 2019 original budget should have been passed as this is important.
- The issues with the Language Department not having enough funds for the First Speaker falls back on the Tribe. The Tribe needs to take the initiative to search for and extend this grant one (1) year in advance, not four (4) months after or before it ends. If this doesn't happen, it's on the department. Don't wait.
- The Odawa Casino Resort is not doing well financially. He expressed the Tribe should have never got involved with the Reservation Boundaries litigation, it has cost \$2.5 million and \$1 million in reserve.
- We should have paid off our debt.
- We have housing issues, homeless Tribal Citizens and we can't afford to build any houses
- We are buying a business, hope it works out.
- Metal tariff costs are rising, how is this impacting the new building structures?

#### **5:38 p.m. Public Comment Closed**

**Motion** made by Councilor McNamara and supported by Councilor Wemigwase to post the 2019 Fiscal Year Operating Budget approved by both the Appropriations and Finance Committee (phone poll) and Tribal Council on May 3, 2018 to the AFC website.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried

**Motion** made by Councilor Wemigwase and supported by Councilor McNamara to approve the minutes of April 27, 2018 as presented.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried

**Motion** made by Councilor McNamara and supported by Councilor Wemigwase to approve the minutes of May 8, 2018 as presented.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried

#### **Sr. Financial Analyst Report:**

- Has been busy completing Financial Impact Statements
- RB Construction
- Sweep accounts

**Motion** made by Councilor Wemigwase and supported by Councilor McNamara to acknowledge receipt of Sr Financial Analyst Rachel Cope's verbal report for June 12, 2018.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried

**Old Business:** none

**Closed Session:** no

**Motion** made by Councilor Wemigwase and supported by Councilor McNamara to amend the agenda to include changing the AFC meeting times to 9:00 a.m. for the remainder of 2018.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried

**Motion** made by Councilor Wemigwase and supported by Councilor McNamara to the change the AFC meeting times to 9:00 a.m. for the remainder of 2018.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried

**Adjourn:**

5:55 p.m. Motion made by Councilor Wemigwase and supported by Councilor McNamara to adjourn.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried.

Next Meeting date(s)

Regular Meeting: Tuesday, July 17, 2018 at 9:00 a.m.